

### Remarks

The Applicant has canceled claim 27 and incorporated its limitations into claim 9. The Applicant has also canceled claims 28-29 subject to Applicant's right to file a divisional application.

Claims 9, 12-13, 15-16, 19-22, 24-25, and 27 have been rejected as being anticipated by JP 2001-63325 (hereinafter Japan 325). Claims 9, 12-16, and 19-27 have been rejected as being obvious in view of the combination of Japan 325 and WO 03/105509 to Adamson. Adamson has been cited as prior art under section 102(e) and the Applicant reserves his ability to investigate whether this reference can be removed as prior art based on the date of invention. The claims were also rejected as being obvious in view of the combination of Japan 325, Lee (US 5,731,754), EP 694,861 (hereinafter Europe 861), and Rensel (EP 1049196). The Applicant respectfully traverses the rejections. New claims 30 – 35 have been added and the Applicant respectfully requests the new claims to be examined. Each of the three independent claims require the encapsulation material to adhere to the sidewall to secure the tag to the sidewall. In addition, claim 30 requires no portion of the sidewall to overhang the tag. The Applicant submits these claims require the adhesion force to be created by the application of the encapsulation material to the sidewall of the tire. In addition, claim 30 recites that no portion of the sidewall overhangs the tag. Japan 325 discloses an overhanging sidewall and teaches that the tag is trapped within the sidewall during the tire curing process. The claimed inventions thus are not disclosed, taught, or suggested by the references cited in the action.

Japan 325 discloses a tire having a transponder that is built into the tire sidewall while the tire is manufactured. Japan 325 teaches that the transponder is already encapsulated and cured before the transponder is placed into the tire mold where it is pressed into the sidewall of a green tire. The sidewall of the green tire is vulcanized around the hardened encapsulated transponder to trap the transponder within the sidewall with an interference fit. Curing green tire rubber adjacent a cured encapsulation material does not adhere the encapsulation material to the cured rubber in the manner recited in the claims. The encapsulation material of Japan 325 thus does not adhere the tag to the sidewall of the tire as recited in the claims because the

encapsulation material is already cured before ever contacting the material of the tire sidewall. Japan 325 teaches a tire and process that is essentially opposite of the claimed invention. Japan 325 cures the transponder inside the tire during the curing process of the green tire. The transponder is thus fully exposed to the heat of the tire vulcanization process. Japan 325 thus does not disclose or teach the claimed invention. The teachings of Adamson combined with Japan 325 do not render the claimed invention obvious. Adamson and the other cited references teach that the cured, encapsulated tag is to be cured into the layers of the tire or directly into a rubber patch. The cured encapsulation material of these references thus does not adhere the tag to the sidewall body as recited in the claims. The claimed invention uses the encapsulation material to adhere the tag to the sidewall after the sidewall has been formed and cured.

Please call the undersigned attorney if any issues remain after this amendment.



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